

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-084-T - ORDER NO. 96-96-350
MAY 15, 1996

IN RE: Application of Danny R. Croxdale D/B/A Affordable Moving Service, 2272 Country Club Road, Spartanburg, SC 29302 for a Class E Certificate of Public Convenience and Necessity.) ORDER) DISMISSING) PETITIONS TO) INTERVENE) OUT-OF-TIME) AND GRANTING) CERTIFICATE
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This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an application filed by Danny R. Croxdale D/B/A Affordable Moving Service ("the Applicant") for a Class E Certificate of Public Convenience and Necessity to render Motor Freight Service over Irregular Routes Only, as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):

Between points and places in Spartanburg, Cherokee and Union Counties and between points and places in Spartanburg, Cherokee and Union Counties to and from points and places in South Carolina.

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Applicant to cause to be published a prepared Notice of Filing in certain newspaper(s) of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application, and advised all interested parties desiring to participate in the proceeding of

the manner and time in which to file the appropriate pleading. No Protests or Petitions to Intervene were filed with the Commission before the return date. However, after the return date, Petitions to Intervene Out of Time were filed P. A. Carey on behalf of Carey Moving & Storage, Inc., James W. Mullen on behalf of Smith Dray Line & Storage, Inc., John E. Austin, Jr. on behalf of Austin Moving & Storage Company, Inc., Alan L. Spatz on behalf of Arrow Moving & Storage, M. A. Carey on behalf of Carey & Moving and Storage of Greenville, Inc., Scott Dickerson on behalf of Smith Dray Line Storage, Inc., Gene Tisdale on behalf Hilldrup Moving & Storage, Inc., Robert L. Clusterman on behalf of Greenville-Spartanburg Moving & Storage Company, Inc., and Bill Bland on behalf of Lytle's Transfer & Storage, Inc.

Subsequently, Croxdale filed a Motion to Dismiss the Petitions to Intervene Out of Time. Croxdale noted that the Notice of Filing was duly published in several newspapers, pursuant to the instructions of the Staff, and that the affidavits of publication of the advertisements were duly filed with the Commission. Croxdale noted that the Notice of Filing required any person wishing to protest or to intervene as a party of record, to file such notification with the Commission on or before April 22, 1996. No Protests or Petitions to Intervene were filed with the Commission or with the Applicant or his attorney before or by April 22, 1996, and that the only Petitions to Intervene were filed out of time. Further, Croxdale noted that the Petitions to Intervene should be dismissed accordingly.

The Commission has examined the Motion to Dismiss Petitions to Intervene Out of Time, and holds that it should be granted. Clearly, the Applicant complied with the instructions of the Staff and published ample notice in eight (8) different newspapers within South Carolina. Adequate notice was given to the proposed Intervenor to intervene prior to the return date. They did not accomplish this. Therefore, the Petitions to Intervene Out of Time are hereby dismissed and denied.

Since no timely Petitions to Intervene were received in this matter, we will hereby proceed to rule on it through our modified procedure. Upon consideration of the Application, the representations contained therein and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the certificate is required by public convenience and necessity.

IT IS THEREFORE ORDERED:

1. That the Application for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.

2. That the Applicant file the proper information required by S.C. Code Ann., Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann., Section 58-23-10, et seq (1976) as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)